

Declaration of David Rokach

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ERICSSON INC. AND
TELEFONAKTIEBOLAGET LM ERICSSON,

Plaintiffs,

vs.

SAMSUNG ELECTRONICS CO. LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
AND SAMSUNG RESEARCH AMERICA

Defendants

Civil Action No. 2:20-cv-380-JRG

**DECLARATION OF DAVID ROKACH IN SUPPORT OF SAMSUNG'S OPPOSITION
TO ERICSSON'S APPLICATION FOR ANTI-INTERFERENCE INJUNCTION
RELATING TO SAMSUNG'S LAWSUIT IN CHINA**

I, David Rokach, declare as follows:

I am a partner with Kirkland & Ellis LLP ("Kirkland"), counsel for Defendants Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., and Samsung Research America (collectively, "Samsung"). I make this declaration in support of Samsung's Opposition to Ericsson's Application for Anti-Interference Injunction Relating to Samsung's Lawsuit in China. Unless otherwise stated, the statements contained in this declaration are based on my personal knowledge and familiarity with this matter and I could and would testify competently to the matters set forth herein if called upon to do so.

1. Attached as Exhibit 1 is a true and correct copy of Samsung's complaint, filed on December 7, 2020 in the Wuhan Intermediate People's Court of China, and a certified English translation of the same.

2. Attached as Exhibit 2 is a true and correct copy of Samsung's evidence list, filed on December 7, 2020 in the Wuhan Intermediate People's Court of China (but dated December 4, 2020, when it was originally intended to be filed), and a certified English translation of the same, as served.

3. Attached as Exhibit 3 is a true and correct copy of Samsung's receipt of payment of filing fees dated December 7, 2020 in the Wuhan Intermediate People's Court of China.

4. Attached as Exhibit 4 is a true and correct copy of a publicly available article: Team Counterpoint, *China Smartphone Market Share: By Quarter*, Counterpoint (Nov. 15, 2020), available at <https://www.counterpointresearch.com/china-smartphone-share/>.

5. Attached as Exhibit 5 is a true and correct copy of a publicly available article: Mohammad Imran, *Smartphone Manufacturing in China*, Nolasia (last visited Jan. 1, 2021), available at <https://nolasia.net/smartphone-manufacturing-in-china/>.

6. Attached as Exhibit 6 is a true and correct copy of a publicly available article: *Ericsson strengthens its opposition in China and writes down assets*, Ericsson (June 8, 2020), available at <https://www.ericsson.com/en/press-releases/2020/6/ericsson-strengthens-its-position-in-china-and-writes-down-assets>.

7. Attached as Exhibit 7 is a true and correct copy of a publicly available article: Managing IP Correspondent, *China sees developments in SEP infringement cases*, Managing IP (Sep. 10, 2019), available at <https://www.managingip.com/article/b1kbn0xn9n87sh/china-sees-developments-in-sep-infringement-cases>.

8. Attached as Exhibit 8 is a true and correct copy of the anti-suit injunction issued by the Wuhan Intermediate People's Court of China on December 25, 2020, and a certified English translation of the same.

9. Attached as Exhibit 9 is a true and correct copy of the Wuhan Intermediate People's Court of China Notice of Informing the Members Forming the Collegiate Panel, submitted on December 11, 2020, and a certified English translation of the same, as served.

10. Attached as Exhibit 10 is a true and correct copy of Samsung's Supplemental Statement filed on December 21, 2020 with the Wuhan Intermediate People's Court of China, and a certified English translation of the same.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and this declaration was executed on January 1, 2021.

/s/ David Rokach

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